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| 10/092,090 | 03/06/2002 | Hiroaki Furuyama | B422-182 | 8519 |
| 26272 7590 02/08/2008 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036 | | | EXAMINER VENT, JAMIE J | |
| | | | ART UNIT 2621 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,090

Applicant(s)

FURUYAMA, HIROAKI

Examiner

Jamie Vent

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (US 6,771,882) in view of Hori et al (US 6,263,148) in further view of Kori et al (US 5,513,010).

[claim 1]

In regard to Claim 1, Imai discloses a recording apparatus comprising:

- Recording mode setting for setting a first and second recording mode with a second information quantity larger than the first per unit time (SDL mode), where in the SD mode, data of one frame is recorded on ten tracks as opposed to the SDL mode where two frames of data are recorded on ten tracks (col.2 11.15-21).
- Recording means are shown in fig.22 as the recording section (24) for recording image data onto a medium (co1.10 11.64-67)
- Control means for controlling recording means shown as a control section (25) in fig.22 (co1.10 11.64-67) discusses recording still image data of the

first recording mode and detection data for detecting still image data and recording image and detection data of the second recording mode (col.1.13 11.31-43) where the recording of image data in relation to the arrangement of frames is discussed. The arrangement of frames in relation to the two modes and detection data is shown (col.91.35-co1.10 1.26) where a DFF is added to image data to detect the mode for example in the second or SDL mode the DFF takes the value of 0 when the first frame is carrying information and a value of 1 when the rear frame is carrying information. However, in SD mode the DFF always has the value of 1; however, fails to disclose the control means changes the predetermined recording period between a first predetermined period and a second predetermined period shorter than the first predetermined period in accordance with the recording mode set by said recording mode setting means so that said recording means starts recording on the recording medium the still images in response to the recording instruction of the still image by said instruction means and stops recording the still image data at the first predetermined period after the recording was started when the first recording mode is set by said recording mode setting means, and starts recording on the recording medium the still image data in response to the recording instruction of the still image by said instruction means stops recording the still image data at the second predetermined time period.

Hori et al teaches a system wherein two recording modes are processed as described in Column 1 Lines 38+. The controlling means based on the mode being used determines the recording period of each mode as described in Column 2 Lines 12-45 and Column 4 Lines 1-46. The control of recording period allows for proper recording of the data based on the recording instructions received by the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus as disclosed by Imai and further incorporate a system with the control means to control two recording modes, as taught by Hori et al, to allow for proper management of data for recording.

Imai in view of Hori discloses a recording system having control over the various recording modes; however, fails to disclose the stop of recording based on the predetermined period associated with the recording modes. Kori et al teaches the system to record still pictures as seen in Figure 31. As the pictures are recorded a time limit is set on each picture and a new recording is thereby done as disclosed in Column 15 Lines 48+ through Column 16 Lines 1-17. The frame change of recording allows for proper recording of items instead of one continuous still picture. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus, as disclosed by Imai in view Hori et al, and further incorporate the recording of still pictures after a predetermined period, as taught by Kori et al.

[claim 2]

Regarding claim 2, Imai shows data recorded on the medium at predetermined times according to the modes where in the SD mode the predetermined time is 18.8 mrn/s and in the SDL mode the time if half of the SD mode (col.3 11.1-21)

[claim 3]

Regarding claim 3, Imai shows the multiplexing of detection data on the image data in the first and second recording modes (co1.10 11.34-57) where the detection data (DFFs) is multiplexed with image data.

[claim 4]

In regard to Claim 4, the claim limitations have been previously discussed in Claim 3.

[claim 5]

Regarding claim 5, Imai shows the recording of image data of one frame in 5 tracks in one mode (SDL mode) and 10 tracks in one frame in another mode (SD mode) (col.2 11.15-20)

[claim 6]

Regarding claim 6, Imai discusses the length of the first predetermined period being shorter than that of the second predetermined period where in the SD mode the predetermined time is 18.8 mm/s and in the SDL mode the time if half of the SD mode (co1.3 11.1-21)

Art Unit: 2621

[claim 7]

Regarding claim 7, Imai discussed the first recording mode being the SD mode and the second mode being the SDL mode, which is a high compression mode (co1.1 11.38-51).

[claim 8]

Regarding claim 8, Imai discussed the detection area; however, fails to disclose using a photo picture ID (PPID). Kori et al teaches the ability to use PPID for identifying video data as described in Column 16 Lines 45+. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording system, as disclosed by Imai, and further incorporate a system that discloses the detection of pictures through PPID, as disclosed by Kori et al.

[claim 9]

Regarding claim 9, the claim limitations have been discussed in Claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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